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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,210	08/26/2003	Brian Scott Hallisey	200206455-1	1934

22879   7590   07/09/2009
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
07/09/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
jessica.l.fusek@hp.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 April 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3 and 5-25</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3 and 5-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Appeal brief filed

04/03/2009.

B.   Claims 1-3 and 5-25 remains pending.

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1.   In view of the Appeal Brief filed on 04/03/2009, PROSECUTION IS

HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the

subject matter of the various claims was commonly owned at the time any inventions

covered therein were made absent any evidence to the contrary. Applicant is advised

of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1-3 and 5-25 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Takaoka, Nobumitsu et al (US Pub. 2003/0085914 A1), herein

referred to as "Takaoka" in view of Anslow, Roberta et al (US Pub. 2003/0130821 A1),

herein referred to as "Anslow".

As for claim 1, Takaoka teaches a method of using a Graphical User Interface (GUI) to

display relationships amongst resources of a system (figure 8 and par.61), the method

comprising: illustrating at least two overlapping but separate hierarchies in the same

mosaic- like graphic (figure 8; par.61, 67), each hierarchy representing one or more of

the relationships amongst the resources (figure 8; and par.61-62, 76).

Takaoka teaches the layout of network resource component presented on the graphical

user interface as being able to be customized into any configuration as sought by the

end user (par.69); but Takaoka does not specifically mention exact layouts other than

what is depicted in the figures, however in the same field of endeavor Anslow teaches

arranging said resources representing same type of resources into columns, wherein

adjacent columns group different resources, and a row intersecting adjacent columns

indicates relationships between particular resources of the respective column (par.121

and fig.31). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine Anslow into Takaoka; this is true because Anslow provides a

solution to using a Graphical User Interface (GUI) to display relationships amongst

resources of a system (par.7).

As for dependent claim 2, Takaoka teaches the method of claim 1, wherein said

resources are represented by icons and at least one resource occupies a rank in at

least two of said overlapping but separate hierarchies, further comprising:

sizing said icons in proportion to said at least one attribute of said represented resource

(par.16 and 69).

As for dependent claim 3, Takaoka teaches the method of claim 2, wherein said at least

one attribute is storage capacity (par.246).

As for dependent claim 5, Takaoka teaches the method of claim 2-4. Takaoka does not

specifically mention exact layouts other than what is depicted in the figures, however in

the same field of endeavor Anslow teaches labeling-said one of hierarchical columns

and one hierarchical rows with an indication of at least one common feature (par.121

and fig.31). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine Anslow into Takaoka; this is true because Anslow provides a

solution to using a Graphical User Interface (GUI) to display relationships amongst

resources of a system (par.7)

As for dependent claim 6, Takaoka teaches the method of claim 2, further comprising:

interacting with at least one said icon of said mosaic-like graphic, wherein said

interaction results in a change in said at least one attribute of said represented

resource; and in response to said interaction, restructuring a--said first mosaic-like pane

by at least re-sizing said icons proportional to a change in said at least one attribute of

said represented resources, compared to a footprint of said at least one attribute prior to

said interaction (par.74,246).

As for dependent claim 7, Takaoka teaches the method of claim 6, wherein said

interacting step, comprises: receiving an indication that one of said icons was chosen

from said first mosaic- like pane-displaying attributes of said represented resource; and

receiving changes to said attributes (par.70).

As for dependent claim 8, Takaoka teaches the method of claim 7. Takaoka does not

specifically teach using a pop-up window or new window in detail; however in the same

field of endeavor Anslow teaches wherein said displaying attributes comprises:

illustrating said attributes in a pop-up window (par.105). It would have been obvious to

one of ordinary skill in the art at the time of the invention to combine Anslow into

Takaoka; this is true because Anslow provides a solution to using a Graphical User

Interface (GUI) to display relationships amongst resources of a system (par.7)

As for dependent claim 9, Takaoka teaches the method of claim 7, wherein said

receiving an indication, comprises: receiving a user indication through a peripheral

device (par.50).

As for dependent claim 10, Takaoka teaches the method of claim 2, wherein the

mosaic-like graphic is a first mosaic-like graphic the method further comprising

illustrating a first mosaic-like pane and a second mosaic-like pane containing

independent icons representative of resources that may be added to said at least two

overlapping but separate hierarchies (figure 8; par.61-64), comprising: receiving an

indication of a new relationship developed between a resource of a the type

represented in said second mosaic-like pane and the resources represented in said first

mosaic-like pane (figure 8; par.65-68); and restructuring, in response to receiving said indication, said at least two overlapping but separate hierarchies and corresponding said first mosaic-like pane by at least re-sizing said icons proportional to a change in said at least one attribute of said represented resources, compared to a footprint of said at least one attribute prior to receiving said indication (par.69-70).

As for dependent claim 11, Takaoka teaches the method of claim 10, wherein said receiving an indication step, comprises: processing a drag-and-drop of at least one said independent icon from said second mosaic-like pane to said first mosaic-like pane (par.69).

As for dependent claim 12, Takaoka teaches the method of claim 11, further comprising: rejecting said processing of an invalid said drag-and-drop (par.41, 69-70).

As for dependent claim 13, Takaoka teaches the method of claim 11. Takaoka does not specifically teach using a pop-up window or new window in detail; however in the same field of endeavor Anslow teaches wherein said displaying attributes comprises: illustrating said attributes in a pop-up window (par.105). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Anslow into Takaoka; this is true because Anslow provides a solution to using a Graphical User Interface (GUI) to display relationships amongst resources of a system (par.7)

As for independent claim 14, Takaoka teaches a method of controlling the relationships amongst resources of a system, wherein said resources are iconically represented and illustrated on a Graphical User Interface (GUI) (figure 8; par.61-63), comprising: manipulating a relationship of resources in said iconically illustrated system; and re-sizing areas of, in response to said manipulating, the relative footprints of said icons according to an effect upon the corresponding resources, respectively, caused by the relationship manipulation (figure 8; par.64-70). Takaoka teaches the layout of network resource component presented on the graphical user interface as being able to be customized into any configuration as sought by the end user (par.69); but Takaoka does not specifically mention exact layouts other than what is depicted in the figures, however in the same field of endeavor Anslow teaches wherein the relationship of the resources are shown in a hierarchical tree from placement of icons in columns with resources of a same type being in a same column (par.121 and fig.31). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Anslow into Takaoka; this is true because Anslow provides a solution to using a Graphical User Interface (GUI) to display relationships amongst resources of a system (par.7).

As for dependent claim 15, Takaoka teaches the method of claim 14, wherein said manipulating step comprises: interacting with at least one icon, representative of one said resource in said iconically illustrated system to initiate a change of at least one attribute of said represented resource (par.69-70).

As for dependent claim 16, Takaoka teaches the method of claim 15, wherein said initiating step comprises: displaying, in response to said interaction step, attributes of said represented resource, wherein said attributes are changeable; and indicating changes to said at least one attribute through the operation of at least one peripheral device (par.50, 69-70, 74, 246).

As for dependent claim 17, Takaoka teaches the method of claim 16. Takaoka does not specifically teach using a pop-up window or new window in detail; however in the same field of endeavor Anslow teaches wherein said displaying attributes comprises: illustrating said attributes in a pop-up window (par.105). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Anslow into Takaoka; this is true because Anslow provides a solution to using a Graphical User Interface (GUI) to display relationships amongst resources of a system (par.7)

As for independent claim 18, Takaoka teaches a method of displaying relationships amongst first, second and third types of resources of a system (figure 8), the method comprising: preparing a graphic of at least two separate but overlapping hierarchies such that viewing the graphic in a first direction represents a first one of said separate but overlapping hierarchies in which ones of the first resource type report hierarchically to ones of the second resource type (figure 8; par.61-64), and viewing the graphic in a second direction different from the first direction represents a

second one of said separate but overlapping hierarchies in which ones of the first

resource type report hierarchically to ones of the third resource type; and

displaying the graphic (figure 8; par. 65-70). In anticipation of future amendment:

Takaoka teaches the layout of network resource component presented on the graphical

user interface as being able to be customized into any configuration as sought by the

end user (par.69); but Takaoka does not specifically mention exact layouts other than

what is depicted in the figures, however in the same field of endeavor Anslow teaches

arranging said resources representing same type of resources into columns, wherein

adjacent columns group different resources, and a row intersecting adjacent columns

indicates relationships between particular resources of the respective column (par.121

and fig.31). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine Anslow into Takaoka; this is true because Anslow provides a

solution to using a Graphical User Interface (GUI) to display relationships amongst

resources of a system (par.7).

As for dependent claim 19, Takaoka teaches the method of claim 18, wherein the

graphic is mosaic-like (figure 8).

As for dependent claim 20, Takaoka teaches the method of claim 19, wherein each of

the first, second and third resources is represented as an iconic element of the mosaic-

like graphic (figure 8).

As for dependent claim 21, Takaoka teaches the method of claim 18, wherein

the first one of said separate but overlapping hierarchies represents physical storage

resources of a storage system, and the second one of said separate but overlapping

hierarchies represents logical storage resources of the storage system (figure 8; par.61-

65).

As for dependent claim 22, Takaoka teaches the method of claim 18, wherein the

second direction is opposite to the first direction (figure 8). Takaoka teaches the layout

of network resource component presented on the graphical user interface as being able

to be customized into any configuration as sought by the end user (par.69); but Takaoka

does not specifically mention exact layouts other than what is depicted in the figures,

however in the same field of endeavor Anslow teaches arranging said resources

representing same type of resources into columns, wherein adjacent columns group

different resources, and a row intersecting adjacent columns indicates relationships

between particular resources of the respective column (par.121 and fig.31). It would

have been obvious to one of ordinary skill in the art at the time of the invention to

combine Anslow into Takaoka; this is true because Anslow provides a solution to using

a Graphical User Interface (GUI) to display relationships amongst resources of a system

(par.7).

As for dependent claim 23, Takaoka teaches the method of claim 18, wherein said first,

second and third types of resources are represented by icons, further comprising:

sizing said icons in proportion to at least one attribute of said represented resource

(par.68-70).

As for dependent claim 24, Takaoka teaches the method of claim 23, wherein said at

least one attribute is storage capacity (par.68-70).

As for dependent claim 25, Takaoka teaches the method of claim 23, further

comprising: Takaoka teaches the layout of network resource component presented on

the graphical user interface as being able to be customized into any configuration as

sought by the end user (par.69); but Takaoka does not specifically mention exact

layouts other than what is depicted in the figures, however in the same field of endeavor

Anslow teaches arranging said icons representing same type of resources into columns,

wherein adjacent columns group different resources, and a row intersecting adjacent

columns indicate relationships between particular resources of the respective column

(par.121 and fig.31). It would have been obvious to one of ordinary skill in the art at the

time of the invention to combine Anslow into Takaoka; this is true because Anslow

provides a solution to using a Graphical User Interface (GUI) to display relationships

amongst resources of a system (par.7).

(Note :)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday

- Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/   /Nicholas Augustine/
Primary Examiner, Art Unit 2179   Examiner
                                              Art Unit 2179
                                              June 29, 2009